

Marchese also lectured at the Executive Development Centers of both the University of Illinois at Chicago and Northwestern University. He also is credited with writing several books and articles related to his legal work and experience.

Mr. Marchese was a member of the Chicago Bar Association, the American Trial Lawyers Association, and the legal section of the American Society of Association Executives. He received his law degree from the DePaul University School of Law in Chicago and was an Army veteran of the Korean war.

His son, Steven, is my talented and effective legislative assistant.

Besides Steven, Mr. Marchese is survived by his wife, Margaret; son, John; daughters, Mary Ellen Baker, Ann Griffin, and Meg Marchese; his mother, Anna; brother, Jerry; and five grandchildren.

A TRIBUTE TO GWENDOLYN BROOKS, A LEADING VOICE IN AMERICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to Ms. Gwendolyn Brooks, who is being honored for her distinguished career on February 14, 1997, by the Department of English and the Moorland Spingarn Research Center of Howard University. I ask my colleagues to join me in paying tribute to a special person who has touched millions of people throughout the world with her words.

Gwendolyn Brooks was born in Topeka, KS, in 1917 and then moved to Chicago early in her life. She has long been recognized as a leading voice in modern American letters. For more than 50 years, she has undertaken as her life's work a composite portrait of African-Americans acknowledging within the universe of her poems their nobility and enduring spirit. For five decades, she has interpreted their stories within the context of America, commemorating in works such as "A Street in Bronzeville," "Annie Allen," "The Bean Eaters," "In the Mecca," "Family Pictures," "Riot," "Aloneness," "Beckonings," "To Disembark," "Maud Martha," and "Blacks," those of us adjudged the leastwise of the land. With prophetic insight, eloquence, and passion she has written of her people's joys; their triumphs, their follies, and their despair. But through the sustaining power of her love and the depth of her commitment, her people live and may yet prevail.

Gwendolyn Brooks, distinguished poet of our time, distinguished poet laureate of Illinois, distinguished consultant-in-poetry to the Library of Congress, distinguished Pulitzer Prize winner, teacher, mentor, true lover of the poor, poet of the people, we honor and salute you.

TRIBUTE TO THOMAS ALVA EDISON

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROGAN. Mr. Speaker, I ask my colleagues to join me in paying tribute to Thomas

Alva Edison, the greatest inventor, whose 150th birthday was February 11. He was a man whose vision transformed America from an agrarian nation into an urban-industrial power. He almost single-handedly ushered the world from the age of steam into the age of electricity. Thomas Edison embodies everything noble about our great country.

He was born to Canadian immigrants Samuel and Nancy Edison in Milan, OH, on February 11, 1847. As a young, inquisitive boy he was actually expelled from elementary school for asking too many questions. Instead, he was taught at home by his mother and by his own intellect and curiosity. Despite these difficulties, he became one of the most prolific inventors in history.

There are few Americans who can claim that their vision, their creativity, their hard work and their entrepreneurial imagination have positively benefited the lives of virtually every human being on the planet for the last century.

Thomas Edison is one such person. He received a record 1,093 patents. These were for inventions such as the electric light bulb, the phonograph, and the motion picture camera. He also revolutionized the electric power generation and distribution systems, marking the true beginnings of the world's electric utility industry.

California has particularly benefited from this great man's genius. He created our film and recording industries which now employ over half-a-million people and exceed more than \$40 billion in annual worldwide revenues. Even today, one of the world's largest energy companies based in California, still bears his name: Edison International.

Perhaps Edison's greatest contribution to the science community was establishing the world's first research laboratory. His lab in West Orange, NJ, is now designated as the Edison National Historic Site.

I ask my colleagues to join me in recognizing Thomas Alva Edison for his contributions to all mankind. He is an American we can proudly point to as a role model for our youth and as an inspiration to our future.

REGARDING CONGRESSIONAL REVIEW OF THE ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PROGRAM REVISIONS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SHUSTER. Mr. Speaker, I rise today to call the attention of the House to an issue which has recently arisen regarding the implementation of the Congressional Review Act [CRA], Public Law No. 104-121, subtitle E, title II, 110 Stat. 847, 868-74 (1996). I particularly want to thank the Honorable H. Martin Lancaster, Assistant Secretary of the Army for Civil Works, and Maj. Gen. Russell Fuhrman, Director of Civil Works, for the spirit of bipartisan cooperation with which they and their staff worked with the Transportation and Infrastructure Reform and Oversight Committee. Because, however, the issue is one which is likely to recur, I bring it to the attention of my colleagues for their consideration.

As many of you are aware, in December 1996, the Army Corps of Engineers issued its "Final Notice of Issuance, Reissuance and Modification of Nationwide Permits," (61 Fed. Reg. 65874 (Dec. 13, 1996)), which will significantly alter wetlands permitting in the United States. That regulation took effect yesterday, February 11, 1997.

Initially, the corps refused to submit the nationwide permit final rule to Congress because the agency maintained that the CRA did not apply. The corps argued that the nationwide permit regulations were not a rule within the meaning of the act for various reasons relating to, among other things, the permit-like nature of the regulations and their optional—rather than mandatory—use by permittees.

I disagree with that view. In my judgment, the corps' nationwide permit regulation was a rule within the meaning of the CRA and section 551 of the Administrative Procedure Act. My view was supported by an earlier opinion of the general counsel of the General Accounting Office who reached a similar conclusion on analogous facts last year. The general counsel considered the Secretary of Agriculture's issuance of an agency memorandum concerning the implementation of the Emergency Salvage Timer Sale Program. See B-274505, Letter from Robert Murphy, General Counsel, to Senator Larry E. Craig (Sept. 16, 1996). Even though that implementing memorandum was not a formal notice and comment rule, GAO nonetheless concluded that the memorandum met the much broader definition of a "rule" used in the CRA and was required by that act to be submitted to Congress for review. Given the nature of the Corps' Nationwide Permit Program proposal, I concluded that failure to submit the proposal to Congress would also violate the CRA, in light of the analysis and criteria used by GAO.

I was even more concerned with the potential that failure to submit the nationwide permit proposal for review could have rendered the entire, reissued program invalid based solely on procedural grounds. The CRA, 5 U.S.C. 801(a)(1), provides that before a rule may become effective, the agency promulgating the rule must submit it to each House of Congress for review. The corps' initial inclination not to submit the nationwide permit final notice to Congress ran the risk that a Federal court might subsequently determine that the failure to do so violated the requirements of §801(a)(1). Were that determination to be made, the nationwide permit rule might be deemed without effect and all permits issued thereunder subsequent to February 11, 1997, deemed null and void ab initio.

In light of this uncertainty, I urged the corps to rethink its position and accept the congressional review process adopted in the 104th Congress. To its credit, the corps did so—although with reluctance. Though the corps continues to believe that submission of the nationwide permit rule was unnecessary, the corps agreed to submit the rule for review under the congressional review process and did so yesterday. We have both agreed that in doing so the corps remains free to argue its position both to Congress in connection with any further submissions under the CRA and in the Federal courts.

While the corps submitted the rule in the interest of comity, I remain concerned about the agency's determination that the rule is not a major rule triggering the special moratorium